

SUMMARY ANALYSIS OF AMENDED BILL

Franchise Tax Board

Author: Peace Analyst: Roger Lackey Bill Number: SB 129

Related Bills: See Prior Analysis Telephone: 845-3627 Amended Date: 08-28-2000

Attorney: Patrick Kusiak Sponsor:

SUBJECT: Privacy Protection Office/Personal Information Collection and Disclosure

DEPARTMENT AMENDMENTS ACCEPTED. Amendments reflect suggestions of previous analysis of bill as introduced/amended _____.

AMENDMENTS IMPACT REVENUE. A new revenue estimate is provided.

AMENDMENTS DID NOT RESOLVE THE DEPARTMENT'S CONCERNS stated in the previous analysis of bill as introduced/amended _____.

FURTHER AMENDMENTS NECESSARY.

DEPARTMENT POSITION CHANGED TO _____.

☒ REMAINDER OF PREVIOUS ANALYSIS OF BILL AS AMENDED August 26, 1999, STILL APPLIES.

☒ OTHER - See comments below.

SUMMARY OF BILL

This bill would require each state department and state agency to enact and maintain a permanent privacy policy, in adherence with the Information Practices Act (IPA) of 1977.

This bill also would create the Office of Privacy Protection under the direction of the Director of the Department of Consumer Affairs and the Secretary of the State and Consumer Services Agency.

SUMMARY OF AMENDMENT

The August 28, 2000, deleted the earlier provisions of the bill and added the language discussed in this analysis.

As a result of the amendment, the information under "Specific Findings" (except the state law discussion) and "Implementation Considerations" discussed in the department's prior analysis no longer apply. New "Specific Findings" and "Technical Considerations" are included below.

Except for the discussion of this analysis, the department's analysis of the bill as amended August 26, 1999, still applies.

SPECIFIC FINDINGS

This bill would require each state department and state agency to enact and maintain a permanent privacy policy in adherence with the IPA.

Board Position:

<input type="checkbox"/> S	<input type="checkbox"/> NA	<input type="checkbox"/> NP
<input type="checkbox"/> SA	<input type="checkbox"/> O	<input type="checkbox"/> NAR
<input type="checkbox"/> N	<input type="checkbox"/> OUA	<input checked="" type="checkbox"/> PENDING

Legislative Director

Date

Johnnie Lou Rosas

9/14/00

The privacy policy would include, but not be limited to, the following principles:

- ? Information that identifies a person can only be obtained through lawful means.
- ? The purpose of collecting data that identifies a person is specified prior to collection and its subsequent use is limited to that purpose.
- ? Personal data would not be disclosed or used for other than the purpose it was collected, unless authorized by state or federal law.
- ? Personal data collected would be required to be relevant to the purpose for which it is collected.
- ? The general manner in which data are protected against loss, unauthorized access, use modification or disclosure must be posted, unless posting the manner of protection would compromise a state department or agency objectives or law enforcement purposes.
- ? Each state department or state agency would designate a position within the department or agency for the purpose of being responsible for the privacy policy of the department or agency.

This bill would create the Office of Privacy Protection under the direction of the Director of the Department of Consumer Affairs and the Secretary of the State and Consumer Services Agency.

The purpose of the Office of Privacy Protection would be to protect the privacy of individuals personal information by identifying consumer problems and assisting in the development of privacy policies for consumers in the state.

This bill also would specify certain responsibilities of the Director of the Department of Consumer Affairs in assisting the public and consumers with privacy issues.

TECHNICAL CONSIDERATIONS

The bill directs state departments and agencies to "enact" a permanent privacy policy. Technically, legislative bodies *enact* policies while administrative and executive bodies *adopt* them.

BOARD POSITION

Pending.